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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,423	09/15/1999	KAORU UCHIDA	072982-0191	7427

7590 11/30/2004

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/396,423

Applicant(s)

UCHIDA, KAORU

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 10 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

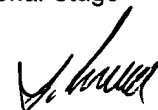
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on 01-July-2004, new dependent claim 19 has been added by the applicant. Claims 1-19 are presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Price-Francis (U.S. Patent No. 5,815,252.)

As to claim 1, Price-Francis teaches an information processing method using fingerprint identification (see Abstract) comprising the steps of:

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identifying user according to an inputted fingerprint (see column 1, lines 14-28, and see column 2, lines 35-44);

preserving user's individual information associated with the user regarding a device in every identified user at the time when the user suspends use of the device which the user uses (see figures 3-5, see column 2, line 59 through column 3, line 3, and see column 4, lines 15-29); and

selecting the user's individual information corresponding to identified user (see Abstract, and see column 2, lines 35-44), which is preserved (see column 2, line 59 through column 3, line 3) to provide for the user when the user resumes use of the device (see figures 3 and 5.)

As to claims 2, Price-Francis teaches wherein the user's individual information (see figures 3-5, see column 2, line 59 through column 3, line 3, and see column 4, lines 15-29) includes any of work progressive information, work environmental information, and work historical information of the user who uses the device (see figure 3, and see column 7, lines 37-47.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that said subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3-4, 9-10, and 15-18 are rejected under 35 U.S.C. 102(e) as being unpatentable over Price-Francis (U.S. Patent No. 5,815,252) in view of Ahn (U.S. Patent No. 5,978,924.)

As to claim 3, Price-Francis teaches an information processing device (see figure 1) using fingerprint identification (see Abstract) comprising:

a fingerprint image input means for acquiring fingerprint image of a user (see figure 1) to output the fingerprint image to a fingerprint feature extraction means (see figure 4);

the fingerprint feature extraction means (see Abstract) receiving the fingerprint image from the fingerprint image input means (see figure 1), outputting the fingerprint feature to the user individual information storage means, outputting the fingerprint feature to a fingerprint matching means (see column 1, lines 24-28);

a user individual information storage means (see column 2, lines 59-62) storing therein the fingerprint feature received from the fingerprint feature extraction mean associated with the user's individual information regarding the device (see column 3, lines 18-30), while outputting the stored fingerprint feature (see figure 4), as well as all other stored fingerprint features as a registered fingerprint feature group (see figure 3), to receive matching result from fingerprint matching means (see column 4, lines 15-49), subsequently, selecting fingerprint feature from among the fingerprint features in the registered fingerprint feature group according to the matching result (see column 5, lines 59-67), thus selecting the user's individual information associated with the selected the fingerprint feature in order to output to user individual information processing means (see column 2, lines 35-44);

the fingerprint matching means receiving the registered fingerprint feature group from the user individual information storage means before implementing matching processing

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between the registered fingerprint feature group and the fingerprint feature received from the fingerprint feature extraction means, thus outputting matching result to the user individual information storage means (see figures 1 and 4); and

the user individual information processing means receiving the user's individual information from the user individual information storage means, before implementing specific processing in answer to content of the user's individual information (see Abstract, see column 2, line 59 through column 3, line 3, and see column 5, lines 18-26.)

Price-Francis does not teach:

a suspension / resumption management means accepting instruction corresponding to either suspension or resumption of use of the device from the user.

Ahn teaches a computer system (see Abstract), in which he teaches a suspension / resumption management means accepting instruction corresponding to either suspension or resumption of use of the device from the user (see column 5, line 47 through column 6, line 8.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Price-Francis to include a suspension / resumption management means accepting instruction corresponding to either suspension or resumption of use of the device from the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Price-Francis by the teaching of Ahn, because including a suspension / resumption management means accepting instruction corresponding to either suspension or resumption of use of the device from the user, would enable the

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system to resume operation from the point operation was suspended without effecting the integrity of the data or without having to “back-track” steps already completed at the time the operation was suspended.

As to claims 4, Price-Francis as modified teaches wherein the user's individual information (see Price-Francis, figures 3-5, see column 2, line 59 through column 3, line 3, and see column 4, lines 15-29) includes any of work progressive information, work environmental information, and work historical information of the user who uses the device (see Price-Francis, figure 3, and see column 7, lines 37-47.)

As to claims 9-10, Price-Francis as modified teaches wherein the information processing device using fingerprint identification (see Price-Francis, Abstract, see column 2, line 59 through column 3, line 3, and see column 5, lines 18-26) is any of an electronic picture book device, a game device, and a retrieval device (see Price-Francis, column 2, line 59 through column 3, line 3, where “retrieval device” is read on “extracting essential characteristics”.)

As to claim 15, Price-Francis teaches a storage medium (see column 2, lines 59-62) stored therein a computer implemented information processing program (see column 6, lines 1-11) using fingerprint identification (see Abstract, and see column 3, lines 18-30) comprising the steps of:

For the remaining steps of this claim, the applicant is kindly directed to the remarks and discussions made in claims 1 and 3 above.

As to claim 16, Price-Francis teaches wherein the user individual information (see Abstract, and see column 2, lines 35-44) includes work progressive information that provides information of how much the user accomplished with regards to completion of an operation (see figure 3, and see column 7, lines 37-47.)

Price-Francis does not teach how much the user accomplished with regards to completion of an operation that is performed by utilizing the device when the device was suspended.

Ahn teaches a computer system (see Abstract), in which he teaches how much the user accomplished with regards to completion of an operation that is performed by utilizing the device when the device was suspended (see column 5, line 22 through column 6, line 8.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Price-Francis to include how much the user accomplished with regards to completion of an operation that is performed by utilizing the device when the device was suspended.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Price-Francis by the teaching of Ahn, because including how much the user accomplished with regards to completion of an operation that is performed by utilizing the device when the device was suspended, would enable the system to continue operation from when it was left off without repeating the steps already successfully performed before the operation was suspended.

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As to claim 17, Price-Francis as modified teaches wherein the step for selecting the individual information corresponding to an identified user is performed based on matching the inputted fingerprint (see Price-Francis, Abstract, and see column 5, lines 27-40) with a plurality of stored fingerprints that are stored in correspondence with a plurality of user's individual information as a result of multiple operations of the storing step (see Price-Francis, column 3, lines 18-30, and see column 5, lines 1-17.)

As to claim 18, Price-Francis as modified teaches further comprising a step for resuming operation of the device at an exact place within an application of the device that was previously being run by the user when the instruction of suspension was initiated (see Ahn, column 3, lines 23-41.)

6. Claim 19 is rejected under 35 U.S.C. 102(e) as being unpatentable over Price-Francis (U.S. Patent No. 5,815,252) in view of Heptig et al (U.S. Patent No. 5,377,269.)

As to claim 19, Price-Francis teaches further comprising:

using the device by the user and storing, when the second user has finished using the device, the second user's individual information corresponding to any of work progressive information, work environmental information, and work historical information (the applicant is directed to the remarks and discussions made in claims 1 and 2 above.)

Price-Francis does not teach:

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identifying a second user who desires to use the device according to an inputted fingerprint of the second user;

identifying the user who wants to reuse the device according to an inputted fingerprint of the user; and

resuming operation by the user of the device, at a workpoint corresponding to the user's individual information.

Heptig et al teaches a security access and monitoring system for personal computer (see Abstract), in which he teaches:

identifying a second user who desires to use the device according to an inputted fingerprint of the second user (see Abstract, see column 2, lines 21-63, and see column 17, lines 57-65);

identifying the user who wants to reuse the device according to an inputted fingerprint of the user (see column 18, lines 43-66, and see column 19, lines 42-49); and

resuming operation by the user of the device, at a workpoint corresponding to the user's individual information (see column 2, lines 5-20, and lines 38-46, and see column 18, lines 43-66.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Price-Francis to include identifying a second user who desires to use the device according to an inputted fingerprint of the second user; identifying the user who wants to reuse the device according to an inputted fingerprint of the user; and resuming operation by the user of the device, at a workpoint corresponding to the user's individual information.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Price-Francis by the teachings of Heptig et al, because including identifying a second user who desires to use the device according to an inputted fingerprint of the second user; identifying the user who wants to reuse the device according to an inputted fingerprint of the user; and resuming operation by the user of the device, at a workpoint corresponding to the user's individual information, would enable the system to authorize and allow multiple users to share the same system/application, and to avoid repetitive steps by resuming, for each returning user, from the step operation was suspended or from the step the user left the operation during the previous session.

Allowable Subject Matter

7. Claims 5-8 and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Price-Francis (U.S. Patent No. 5,815,252) and Ahn (U.S. patent No. 5,978,924) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

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a presentation information management means storing therein management information of information to be presented for the user, in order to output the management information while updating the management information in answer to instruction of the operation to presentation means when receiving instruction of the operation from the instruction input means;

a presentation means receiving the management information from the presentation information management means, before acquiring information to be presented for the user from the device data storage means according to the management information in order to present, as claimed in claim 5.

Claims 7, 11, and 13 are objected to as being dependent from the objected to dependent claim 5.

The prior art of record, Price-Francis (U.S. Patent No. 5,815,252) and Ahn (U.S. patent No. 5,978,924) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

a presentation information management means storing therein management information of information to be presented for the user, in order to output the management information while updating the management information in answer to instruction of the operation to presentation means when receiving instruction of the operation from the instruction input means;

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a presentation means receiving the management information from the presentation information management means, before acquiring information to be presented for the user from the device data storage means according to the management information in order to present, as claimed in claim 6.

Claims 8, 12, and 14 are objected to as being dependent from the objected to dependent claim 6.

Response to Arguments

9. Applicant's arguments filed on 01-July-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are not deemed persuasive:

In response to the applicant's arguments, that "in the invention as recited in claim 1, a first user's individual information is preserved so that a second user can then use the same device that the first user had used, so that at a later time the first user can again use the device and return to the same place that he/she left off before the second user got to use the device", the arguments have been fully considered but are not deemed persuasive, because "first user" and "second user" are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's arguments regarding claim 16, that Price-Francis does not teach "how much the user accomplished with regards to completion of an operation", the

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arguments have been fully considered but are not deemed persuasive, because the examiner is showing this teaching in the secondary reference, Ahn (see column 5, line 22 through column 6, line 8.)

In response to the applicant's arguments regarding the newly added claim 19, the arguments have been fully considered but are considered moot in view of the new grounds of rejection for this claim.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (571) 272-4083.

tm

November 15, 2004



SAM RIMELL
PRIMARY EXAMINER